

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

**FILED**  
United States District Court  
Albuquerque, New Mexico  
Mitchell R. Elfers  
Clerk of Court

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

GIFFORD LAFEYETTE LOWE a.k.a GIFFORD  
LAFEYETTE GREEN  
YOB:1962

Case No. 22-MR-73

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A, attached herto and incorporated herin by reference.

located in the \_\_\_\_\_ District of \_\_\_\_\_ Bernalillo \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See attachment B, attached herto and incorporated herin by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, United States Code (USC), Section (§) 922(g)(1) and 924	Possession of a Firearm and ammunition by a prohibited person

The application is based on these facts:

See Attached

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Jessica Carrreon #345*  
Applicant's signature

Jessica Carrreon, F.B.I Task Force Officer  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
Telephone \_\_\_\_\_ (specify reliable electronic means).

Date: January 18, 2022

City and state: Albuquerque, New Mexico

*Laura Fashing*  
Judge's signature

Laura Fashing, United States Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Task Force Officer (TFO) Jessica Carreon of the Federal Bureau of Investigation (FBI), being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND BACKGROUND OF THE AFFIANT**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of **GIFFORD LAFEYETTE LOWE a.k.a GIFFORD LAFEYETTE GREEN**, who is currently located in the **Bernalillo County Metropolitan Detention Center located at 100 Dean Miera Dr SW**, to collect deoxyribonucleic acid (DNA) samples by way of buccal swabs. I believe LOWE'S DNA may be present on the firearm located during a search warrant execution that is described herein.

2. Because this affidavit is submitted for the limited purpose of seeking a search warrant to collect DNA samples from **GIFFORD LAFEYETTE LOWE A.K.A GIFFORD LAFEYETTE GREEN**, I have not set forth each and every fact I have learned during the course of this investigation. I have set forth only the facts that I believe are necessary to establish the foundation for an order authorizing the requested search warrant.

3. As set forth herein, there is probable cause to believe that **GIFFORD LAFEYETTE LOWE A.K.A GIFFORD LAFEYETTE GREEN** committed a violation of 18 USC §§ 922(g)(1) and 924, that being Possession of a Firearm and Ammunition by a Convicted Felon. Because there is probable cause to believe **GIFFORD LAFEYETTE LOWE A.K.A GIFFORD LAFEYETTE GREEN** possessed the firearm relevant to this



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crime, there is also probable cause to believe that LOWE 's DNA will be found on pieces of evidence collected in this investigation. Therefore, there is probable cause to collect a DNA sample from LOWE via buccal swab to compare it with samples collected from the lawfully seized evidence in this case.

**Background of the Affiant**

4. I, Task Force Officer (TFO) Jessica Carreon, state that I am a full-time salaried law enforcement professional employed by the Bernalillo County Sheriff's Office (BCSO) since June of 2013. I graduated from the Bernalillo County Sheriff's Office Regional Police Academy in November of 2013. I was promoted to the Violent Crimes Unit within the Criminal Investigations Division in May of 2018 where I worked until February of 2020. During this time, I was tasked with various investigative assignments; however, my primary focus was on the investigation of violent crimes committed within the unincorporated areas of Bernalillo County. Prior to Law Enforcement, I was awarded a bachelor's degree in Criminology with a Minor in Psychology from the University of New Mexico in December of 2011.

5. As a result of your Affiant's training and experience, I am aware that weapons (including rifles, shotguns, handguns, knives and batons) are instrumentalities of crimes of violence. I am also aware that when individuals handle firearms, their DNA is often left behind and detectable by lab technicians.

6. Through your affiant's training and experience, I am aware that human saliva and droplets of human sweat contain deoxyribonucleic acid (DNA) which can be used to help identify an individual, and that DNA from human saliva or sweat droplets can potentially

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be recovered and used to help identify an individual after the individual comes in contact with a surface or an object.

**FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

7. On September 02, 2021, at approximately 0740 hours, APD officers were dispatched to 8601 Central Ave NE in reference to a male with a gunshot wound to the torso. The offender had fled the area in a vehicle. Officers arrived on scene and located the male victim laying on the sidewalk on the southeast corner of the Circle K/McDonald's parking lot. The male had a gunshot wound to his left abdomen, and officers began to render aid by placing a chest seal while waiting for medical personnel to arrive. After medical personnel arrived, they transported him to the University of New Mexico Hospital. Officers identified the male was H.A.

8. APD Officers secured the scene and spoke with several witnesses. APD Officer Benavidez contacted a witness to the shooting, J.Z., who advised he was talking to H.A. prior to the shooting. As he was speaking with H.A., a green SUV drove into the parking lot. J.Z. stated a Native American female, exited the SUV and started yelling at H.A. stating, "shoot the mother fucker, where is my money?" During that sequence of events, a male exited the driver's side of the SUV, approached H.A., and pulled out a firearm. The male driver, later identified as GIFFORD LAFAYETTE LOWE, asked H.A. "Where is my money" while holding the gun. H.A. retrieved some mace and sprayed it towards LOWE.

9. J.Z. stated H.A. took their statements as a "joke" and tried walking away. According to J.Z., LOWE shot H.A. several times. Shortly thereafter, the Native



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American female and LOWE returned to the green SUV and fled the area travelling westbound on Central. J.Z stated initially H.A. did not know he was shot until J.Z. saw blood on his side. He then suddenly he fell to the ground, and J.Z attempted to help him. J.Z described the offender that shot H.A. as African American, approximately 45-54 years of age, with short black hair, and wore a gray shirt with gray sweatpants. J.Z informed officers the male offender uses the moniker "Lucky", and he knows him from the area. J.Z described the female as Native American, approximately 50 to 55 years of age, wearing a pink shirt, blue jeans, and weighing 230 pounds. Responding Officer Benavidez informed responding Detective Simpson that one on scene witness described the handgun used by LOWE as silver.

10. Officer Benavidez reviewed the Circle K/McDonalds surveillance footage and observed LOWE and the Native American female fled westbound on Central Blvd in a dark gray Ford expedition displaying Kansas registration plate 695NXY. The information was provided to assisting officers, and the vehicle was located in the parking lot a strip mall near the intersection of Zuni Rd SE and San Mateo Blvd SE. It was then it observed crossing San Mateo Blvd SE, westbound, into the parking lot of a Walmart located at 301 San Mateo Blvd SE. A traffic stop was conducted on the vehicle and the occupants were instructed to exit the vehicle. The driver of the vehicle, identified as GIFFORD LAFEYETTE LOWE, exited first, and was detained by officers. The front passenger, later identified as Pricilla Antonio, exited, and was also detained. While ensuring the vehicle was cleared of any additional persons inside, Detective Simmons observed a silver handgun on the backseat floorboard behind the driver's seat within reach of the driver.

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11. Once the vehicle was cleared, Detective Simmons contacted LOWE and identified himself as a law enforcement professional and informed him he was investigating a shooting that occurred at 8601 Central Ave NE. LOWE advised he was aware of the shooting and asked if the victim survived. Detective Simmons explained to LOWE he needed to read him the Miranda warning advising him of his constitutional rights before speaking with him about the incident. LOWE continued to state he knows about the shooting further advising, "I'm a convict." Detective Simmons advised LOWE of his rights to which he stated, he understood and agreed to provide a statement without an attorney present.

12. Detective Simmons explained to LOWE his vehicle matched the description of the vehicle captured on surveillance footage fleeing after the shooting occurred. Detective Simmons also explained to LOWE that he matched the description of the offender of the shooting, and, for those reasons, a traffic stop was initiated on his vehicle, and he was detained. LOWE stated he was aware of the shooting and he "knows who did it," however refused to provide any other details unless Detective Simmons released him and allowed him "to walk." At that point Detective Simmons asked LOWE for his first name, and LOWE replied his name is "Lucky." Detective Simmons informed LOWE the name "Lucky" was provided to officers as the offender of the shooting. LOWE stated he was on scene but denied shooting H.A. LOWE advised he is a felon and did not want to go back to jail.

13. Detective Simmons asked LOWE if the gray Ford Expedition bearing Kansas registration plate 695NXY belonged to him. LOWE advised he purchased the vehicle from an unnamed individual from Kansas. Detective Simmons asked LOWE about the



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silver firearm on the floorboard behind the driver's seat. LOWE was unable to provide an explanation of why the firearm was in his vehicle. Detective Simmons explained to LOWE that he was identified as the shooter, to which LOWE replied, "bring that guy here and he'll back out." At that time Detective Simmons informed LOWE, he was under arrest for aggravated battery with a deadly weapon.

14. After speaking with LOWE, Detective Simmons spoke with Pricilla Antonio and informed her he was investigating a shooting that occurred on that date. Detective Simmons conducted a post Miranda interview with Antonio. Antonio advised she was unaware of the shooting and "Lucky" picked her up from a nearby park. Detective Simmons asked if "Lucky" had spoke to her about the shooting. She advised he had not. Based on that information, Detective Lowe believed Antonio was not involved in the shooting and was released from the scene.

**Search of the Vehicle**

15. Based upon the above investigation, the gray 2005 Ford Expedition bearing Kansas license plate 695NXY displaying vehicle identification number (VIN) 1FMFU17585LB10673 be sealed and towed pending the application of a search warrant. APD Field Evidence Technician (FET) B. McSween arrived at the scene and sealed the vehicle. On September 08, 2021, the Honorable Judge Alaniz granted a search warrant for the vehicle. The search was executed at approximately 1318 hours, with photos taken of the vehicle. A silver Taurus Armas handgun with seral number TMD27396 was retrieved from the rear passenger floorboard, as well as one magazine. The items were photographed, seized, and submitted into APD evidence. FET McSween also swabbed the firearm and submitted those swabs into APD evidence.

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16. The items of evidence listed above are all in the lawful custody of the Albuquerque Police Department. Based on my training, experience, and involvement in this case, I know that these items were collected and have been stored in such a manner that DNA should be present on the firearm at the time of seizing. Those samples will be compared with the DNA samples collected from LOWE pursuant to the authorization sought in this application

**Relevant Criminal History**

17. GIFFORD LAFAYETTE LOWE aka, GIFFORD LAFAYETTE GREEN is a convicted felon. His convictions include possess narcotic controlled substance as seen in California Cause number A959363, Grand Theft: Property as seen in California Cause number SA000735; Aggravated Battery Against a Household member; Trafficking by Distribution-Cocaine, as seen in New Mexico Cause D-202-CR-2003-01096; Take Vehicle Without Owner Consent/Vehicle Theft as seen in New Mexico Cause BA260163; Child Abuse as seen in D-1329-CR-2011-00197.

**INTERSTATE NEXUS**

18. The silver Taurus Armas handgun mm, (serial number TMD 27396) firearm was examined and it was determined it functioned as originally designed. Based on my training and experience, I know that Taurus Arma handguns are manufactured by Taurus Holdings, LLC in Bainbridge, Georgia, and the specified handgun meets the federal definition of a "firearm".

19. Based on the foregoing, there is probable cause to believe that the DNA samples sought through this warrant will provide evidence pertaining to a violation of 18 U.S.C. §§ 922(g) (1) and 924, that being Felon in Possession of a Firearm and Ammunition. The



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firearm listed above are all in the lawful custody of the Albuquerque Police Department Metropolitan Evidence Unit.

20. Based on my training, experience, and involvement in this case, I know that these items were collected and have been stored in such a manner that DNA should be present on the firearm at the time of seizing. Investigators will seek the appropriate persons to swab the firearm. Those samples will be compared with the DNA samples collected from LOWE pursuant to the authorization sought in this application.

21. The saliva (buccal swab) samples from LOWE will be obtained pursuant to approved medical procedures, without unnecessary discomfort to LOWE, in private, and under circumstances where he will feel very little or no pain or embarrassment.

22. GIFFORD LAFEYETTE LOWE is a Black male adult, with the YOB 1962, and the social security number of xxx-xx-9445. LOWE has a bald head and brown eyes and a gray beard. He is approximately six feet tall and weighs approximately 240 pounds. LOWE'S New Mexico Driver's license lists his address as 492 Camino Don Tomas, Bernalillo New Mexico 87004. LOWE is currently in custody at the Bernalillo County Metropolitan Detention Center located at 100 Dean Miera Drive Southwest Albuquerque, New Mexico 87121.

**CONCLUSION:**

23. Based on the above information, there is probable cause to believe that LOWE committed a violation of Title 18 U.S.C. §§ 922 (g)(1) and 924 – Possession of a Firearm and Ammunition by a Prohibited Person, and that the DNA samples sought in this

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warrant will provide evidence of this violation. Therefore, I am seeking authorization under Rule 41 of the Federal Rules of Criminal Procedure to collect a DNA sample from LOWE via buccal swab, to compare with any DNA that is found on the evidence seized in this matter.

24. This affidavit has been reviewed by Assistant United States Attorney Eva Fontanez of the District of New Mexico.

Respectfully submitted,

  
Jessica Carreon #345  
FBI Task Force Officer

Electronically subscribed and telephonically sworn to before me on January 18, 2022:

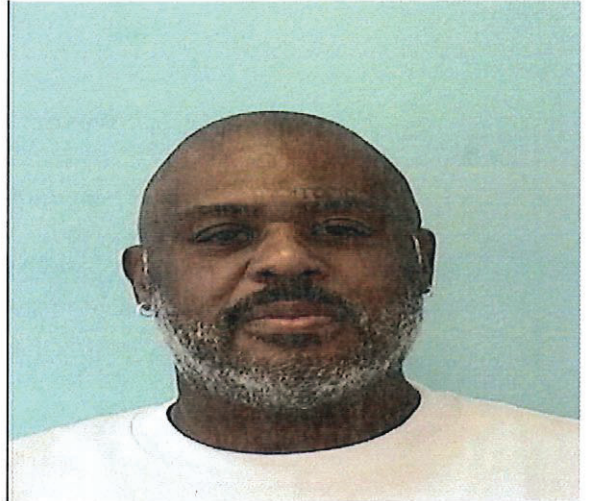
  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF NEW MEXICO



**ATTACHMENT A**

*Person to be searched*

This warrant authorizes a search of the person of **GIFFORD LAFEYETTE LOWE a.k.a GIFFORD LAFEYETTE GREEN** (born in 1962), who is currently in custody at the Bernalillo County Detention Center located at 100 Dean Miera Dr, Southwest, Albuquerque, New Mexico. (LOWE is pictured to the right) The collection of his DNA in the form of collection of DNA samples, via buccal swabs.



GIFFORD LAFEYETTE LOWE is a Black male adult, with the YOB 1962, and the social security number of xxx-xx-9445. LOWE has a bald head and brown eyes and a gray beard. He is approximately six feet tall in height and weighs approximately 240 pounds. LOWE'S New Mexico Driver's license lists his address as 492 Camino Don Tomas, Bernalillo New Mexico 87004.

**ATTACHMENT B**

*Property to be seized*

The saliva (buccal swab) samples from LOWE will be obtained pursuant to approved medical procedures, without unnecessary discomfort to LOWE, in private, and under circumstances where he will feel very little or no pain or embarrassment.

After the collection of DNA, the swabs will be placed in a sealed envelope and will be sent to a certified laboratory for testing. The swabs will be used as a comparative standard, against any DNA found on the firearm. This will be used in the furtherance or possible elimination of LOWE as an offender.